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22 MAY 1987

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Mr. James Moorman
Cadwalader, Wickersham & Taft
1333 New Hampshire Ave., N.W.
Washington, D.C. 20036

RE: EPA Administrative Order
Index No. CERCLA-50103
Asbestos Dump Site
Morris County, New Jersey

Dear Mr. Moorman:

This letter is in response to your letter of April 21, 1987 to the Environmental Protection Agency (EPA), in which you requested a time extension for submitting the draft remedial investigation report for the Asbestos Dump Site. After evaluating your reasons for requesting additional time, EPA has decided an extension is not justified and therefore denies your request for time extension pursuant to Section IV.B of the above Administrative Order.

Our decision is based on several factors; you mentioned the standards for Phenylmercuric Acetate (PMA), one of the chemicals of concern at the site do "not appear to exist" and Hart may need to develop a toxicity assessment for it. The EPA can not accept this as excusing any delay, since the presence of PMA at the site was known when the Administrative Order was signed in April 1985. Section I.C. of the Administrative Order specifically mentioned PMA as one of the critical contaminants which had to be included in the endangerment assessment. Having known this for two years, National Gypsum and its consultants should have taken the necessary measures to obtain the information required in order to meet the deadline set forth in the Administrative Order. In addition, the schedule we are asking you to adhere to was proposed by you in your letter of January 13, 1987, when you previously requested more time for the drum excavation activities.

Appendix D of the Superfund Public Health Evaluation Manual, dated October 1986, gives a detailed procedure for determining the toxicity constant. This procedure can be used for PMA and other chemicals. If this procedure is utilized, additional time and resources should not be necessary for developing a toxicity assessment. In addition, necessary standards for the other chemicals found at the site appear to have been in existence and therefore should not delay the schedule of the project.

SYMBOL		SURNAME		CONCURRENCES	
SCB	SCB	ORC-NJSUP	Chief SCB		
N. Robinson	R. Basso	W. Tucker	J. V. Czapora		

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Your letter also mentioned that the endangerment assessment required "more quantification of risks and a description of the population at risk". From EPA's point of view the level of quantification is directly related to the quality and amount of data available. Therefore, the more data available the greater the quantification that will be required. The number of samples has not changed since the approval of the Site Operations Plan, with the exception of the samples taken during the drum excavation. Therefore, the level of quantification remains about the same as when the Site Operations Plan was approved. It also appears that most of the chemicals found during the drum excavation activities have existing standards and therefore their discovery should not delay the schedule.

Before an endangerment assessment can be performed, the data must be validated. To date, the EPA has not received any data, validated or unvalidated, from the samples taken at the site. Section I.D. of the Administrative Order specifically states that the monthly progress reports should include "results of sampling and any QA/QC evaluations with supporting documentation." This requirement has not been complied with.

As you are aware, the EPA met with Fred C. Hart on May 4, 1987 to discuss the endangerment assessment, and the need for a time extension. As a result, Fred C. Hart agreed that it would adhere to the schedule proposed in your letter of January 13, 1987 and submit the remedial investigation report including the endangerment assessment on May 29, 1987.

Sincerely yours,

John V. Czapor, Chief
Site Compliance Branch

cc: Fred C. Hart
Larry Worden
William C. Tucker

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